

Message Text

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70

ORIGIN EA-06

INFO OCT-01 SS-14 ISO-00 EB-03 INR-05 CIAE-00 NSC-05

NSCE-00 MC-01 PM-03 DODE-00 L-01 SP-02 PRS-01 /042 R

DRAFTED BY EB/ITP/EWT:SSGOODMAN; EA/K:PMAYHEW

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EA/ANP-MR LANGE

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P 242147Z MAR 75

FM SECSTATE WASHDC

TO AMEMBASSY CANBERRA PRIORITY

INFO AMEMBASSY SEOUL PRIORITY

C O N F I D E N T I A L STATE 066372

LIMDIS

E.O. 11652: GDS

TAGS: PFOR, AS, KN

SUBJECT:POSSIBLE SALE OF US AIRCRAFT TO NORTH KOREA

REF: CANBERRA 1669; STATE 057757

1. QANTAS BOEINGS WERE EXPORTED UNDER A VALIDATED EXPORT LICENSE. IN ACCORDANCE WITH SECTION 386.6 OF THE EXPORT ADMINISTRATION REGULATIONS AN EXPORT UNDER A VALIDATED LICENSE MUST SHOW AN APPROPRIATE DESTINATION CONTROL STATEMENT ON THE BILL OF LADING, THE AIR WAYBILL, AND THE COMMERCIAL INVOICE TO THE EFFECT THAT THE COMMODITIES ARE LICENSED BY THE U.S. FOR THE ULTIMATE DESTINATION (I.E., AUSTRALIA) AND THAT DIVERSION CONTRARY TO U.S. LAW IS PROHIBITED. REEXPORT BY QANTAS TO NORTH KOREA WITHOUT DEPARTMENT OF COMMERCE APPROVAL WOULD THEREFORE BE CONTRARY TO U.S. LAW. IN ACCORDANCE WITH SECTION 387.1 OF THESE REGULATIONS NON-COMPLIANCE WITH DESTINATION

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CONTROL REQUIREMENTS, T.E., SALES TO PROHIBITED DESTINA-

TIONS, COULD SUBJECT SELLER TO ADMINISTRATIVE ACTION WHICH MAY RESULT IN THE SUSPENSION, REVOCATION, OR DENIAL OF EXPORT PRIVILEGES UNDER THE EXPORT ADMINISTRATION ACT OF 1969, AS AMENDED. THIS COULD MEAN THAT SELLER WOULD NOT BE ELIGIBLE TO PURCHASE U.S. AIRCRAFT OR PARTS OR ANY OTHER U.S. ORIGIN MERCHANDISE.

2. ANY OTHER AUSTRALIAN FIRM TO WHICH QANTAS MIGHT SELL PLANES SHOULD BE MADE AWARE OF U.S. EXPORT ADMINISTRATION REGULATIONS ON DESTINATION, EITHER BY QANTAS (PARTICULARLY IF QANTAS HAS REASON TO BELIEVE FURTHER RESALE MAY BE MADE TO OTHER DESTINATIONS), OR IF IT FAILS TO DO SO, BY EMBASSY. IF QANTAS (OR EMBASSY) MAKES REGULATIONS KNOWN TO AUSTRALIAN PURCHASER AND IF PURCHASING FIRM RESELLS TO PROHIBITED DESTINATION IT WOULD BE SUBJECT TO ADMINISTRATIVE ACTION REFERRED TO ABOVE.

KISSINGER

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NNN

Message Attributes

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Draft Date: 24 MAR 1975
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